Clark Fork-Pend Oreille River Basin Adjudication
Meeting Topics

- What is an Adjudication and the Northern Idaho Adjudications
- Benefits of an Adjudication
- Clark Fork-Pend Oreille River Basin (CFPRBA)
- General Adjudication Process
- Domestic Exemption
- Questions
What is a Water Right Adjudication?

An adjudication is a process to inventory and confirm, by a court, all of the water rights in a particular river basin.
Northern Idaho Water Rights Adjudications

42-1406B: “Effective management of the waters of northern Idaho requires that a comprehensive determination of the nature, extent and priority of the rights of users of surface and ground water be determined.”
IDWR shall petition the district court to initiate three (3) adjudications within the:

- Phase 1 - Coeur d’Alene-Spokane River Basin (CSRBA)
- Phase 2 – Palouse River Basin (CSRBA)
- Phase 3 – Clark Fork-Pend Oreille River Basin (CFPRBA)
Northern Idaho Adjudication (NIA) Timeline

- **PRBA Commences**: March 1, 2017
- **CFPRBA Funding Authorization**: 2021
- **PRBA Claim Taking**: 2019
- **B95, Part 1 Rec.**: 2019
- **B95, Part 2 Rec.**: 2019
The Benefits of an Adjudication

- Protection against competition for finite resources
  - Supplies are not always sufficient to meet demands
  - During times of scarcity Idaho relies on priority administration
- Confirm Private Property Rights
- North Idaho population projected to grow 19.5% by 2026*
- Only way to confirm Statutory Claims
- Record and confirm beneficial use rights
- Record changes to water rights

*Population growth forecast obtained from the Idaho Department of Labor.
Clark Fork-Pend Oreille River Basin
Basis of Active Water Right Filings in Basin 96

- **1,881 Total Active Water Right Filings**
  - 70% Based on License
  - 21% Based on Statutory Claim
- 78% of Statutory Claims are Surface Water
Basis of Active Water Right Filings in Basin 97

- 544 Total Active Water Right Filings
- 63% Based on License
- 30% Based on Statutory Claim
- 75% of Statutory Claims are Surface Water
Adjudication Process

Legislative Authorization of Adjudication

District Judge Appointment

Petition

Hearing

Commencement Order

Notice

File Claims

Investigate

Preliminary Report

Public Meetings

Director’s Report

Objections

Responses

Settlement

Trial

Water Right Decree
Domestic Use

- **Domestic Deferral**
  - Water users can choose to defer (postpone) filing for small Domestic & Stockwater rights (I.C. § 42-111)
  - However, filing fees for deferrable domestic and/or Stockwater claims are $25.
Domestic Use – No Meters

- No Precedence
  - Across Southern Idaho we have water districts where water levels have been dropping for 40 to 50 years, yet domestic wells are not metered.

- Unfair
  - Not required to file for your domestic well

- Not Practical
  - 100’s of thousands of domestic wells across the state of Idaho.
Questions and Comments

Thank you